BARTLIT BECK HERMAN PALENCHAR & SCOTT LLP
www.bartlit-beck.com

CHICAGO OFFICE
COURTHOUSE PLACE
54 WEST HUBBARD STREET
CHICAGO, IL 60610
TELEPHONE: (312) 494-4400
FACSIMILE: (312) 494-4440

DENVER OFFICE
1899 WYNKOOP STREET
8TH FLOOR
DENVER, CO 80202
TELEPHONE: (303) 592-3100
FACSIMILE: (303) 592-3140

WRITER'S DIRECT DIAL:
(312) 494-4435
mark.ouweleen@bartlit-beck.com

June 29, 2007

By Email

Donald B. Verrilli, Jr.
Jenner & Block LLP
601 Thirteenth Street, NW
Suite 1200 South
Washington D.C. 20005

Re: Your letter of June 28, 2007

Dear Don:

It was good to meet you at the Rule 26 conference yesterday.

I am responding to the letter you sent me yesterday concerning certain videos that you claim were posted on YouTube.

While your letter does not substantially comply with the requirements for takedown notices under the DMCA, I forwarded it to YouTube.

As you know YouTube has set up a process and tools to make it easy for content owners to send notices that do comply with the DMCA to request that videos be removed from YouTube. These tools are provided to help content owners protect their content, and include the Content Verification Program.

Viacom and Paramount have signed up for the Content Verification Program, and have used its tools successfully in the past.

In fact, Paramount used YouTube's Content Verification Program tools successfully to request the removal of the very videos you identify in your letter.

We checked all the videos you identified with a URL. Using YouTube's tools, either BayTSP (on Paramount's behalf) or Paramount itself had already requested the takedown of each of them. Each video had been promptly removed before you even sent your letter. Where Paramount used the Content Verification Program tools the takedown was automatic.

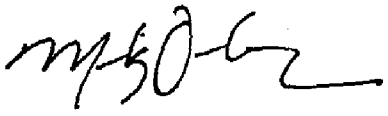
I think that going forward the quickest and easiest way for Viacom and Paramount to request the removal of video clips from YouTube is to continue to use those easy takedown tools provided by YouTube, rather than by exchanges of letters between trial lawyers.

I will not address all the contentions in your letter with which I disagree, but I do want to address your claims to have located "more than 60 full-length Paramount Films on YouTube." In fact all but one of the videos you identified were under 10 minutes long (and that one was

about 15 minutes). None was a full length film. And again, all had been removed from YouTube before you wrote.

Finally, you appended to your letter a list titled "Top Paramount Feature Films," which appears to be a list of movie titles with no other information. As I understand it you are not claiming that all those movies are now or have ever been on YouTube. That list does not contain any information that would permit YouTube to locate any material on YouTube that you might claim infringes Paramount's copyrights on those movies. If in the future someone posts a video that Paramount claims to infringe a copyright on one of those movies, and Paramount would like it removed, Paramount can use the Content Verification Program tools or send a DMCA takedown notice, and YouTube will promptly take it down.

Sincerely,



Mark Ouweleen